

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2002-03

January 31, 2002

Mr. Paul Russell
6 Thomas Rd
Methuen, MA 01844

RE DES Wetlands File #1997-01733, Alton

Dear Mr. Russell

On September 24, 2001, and January 22, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Alton Tax Map 65 as Lot 006 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspections, and further file review, the following was documented:

- The previously permitted seasonal dock was observed within the waters of Lake Winnepesaukee on January 22, 2002, during the non-boating season.
2. An aquatherm (aerator) was documented in the water on January 22, 2002, located off the end of the dock, resting on the lakebed. The understood purpose of an aquatherm is to keep ice from forming around docking facilities that are left in the water for the non-boating season.
 3. A previously constructed, unpermitted beach with approximate dimensions as measured in the field are 22 feet wide by 15 feet 6 inches located above normal high water (504.32) as measured for Lake Winnepesaukee, with and estimated additional 22 feet wide by 15 feet of sand located in Lake Winnepesaukee, below normal high water (504.32) as measured for Lake Winnepesaukee.
 4. Natural vegetation along the shoreline west of the seasonal dock and continuing on to the abutting property has been cut, sawed, pruned, or buried. These actions are in violation of the Comprehensive Shoreland Protection Act, RSA 483-B.
 5. A commercial grade landscape fabric and bark mulch has been placed over the above mentioned area (item 3) covering an area measuring approximately 7 feet wide by 90 feet long. These actions are in violation of the Comprehensive Shoreland Protection Act, RSA 483-B.

In response, you are requested to take the following actions

1. Within 20 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a professional engineer or environmental consultant, and include provisions for removal of sand located below normal high water, perching of the beach area, and removal of the landscape fabric and bark mulch to allow for the regeneration of natural vegetation along the shoreline on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with lake elevation at normal high water as measured for Lake Winnepesaukee (504.32); and
 2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (turbidity curtains, silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed work sequence and successful monitoring for the restoration and revegetation of the shoreline area described above and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A detailed description of the proposed construction sequence and methods for accomplishing restoration of the beach area and anticipated restoration compliance date

2. Retain a qualified professional engineer or environmental consultant to supervise the implementation of the restoration plan and to submit the restoration progress report.

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

4. Within 20 days remove the aquatherm and seasonal dock from the waters of Lake Winnepesaukee.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Senior Enforcement Officer
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,


COPY
Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL: 7099 3400 0003 0689 0282

cc Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Alton Conservation Commission
Alton Board of Selectmen
David Killoy, USACOE
Allvson Gourlev. Shoreland Compliance Coordinator